

## **CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 67**

**Citations Affected:** IC 9-30-5-3; IC 35-50-2-1.

**Synopsis:** Sentencing. Provides an enhanced penalty for operating while intoxicated when the offender has a previous unrelated conviction for a violation that occurred before July 1, 2001. Eliminates a mathematical error in the definition of "minimum sentence" by changing the definition of "minimum sentence" for murder from 30 years to 45 years and by changing the definition of "minimum sentence" for a Class D felony from one year to one-half year. (This committee report for ESB 67: (1) adds language to restore a reference to the defined term "previous conviction of operating while intoxicated" in the drunk driving law that was eliminated in HEA 1618-2001; and (5) removes provisions of ESB 67 added by the House of Representatives that: (A) provide alternative sentencing options for offenders convicted of a drug offense (B) prohibit the department of correction, county jails, community corrections facilities, and juvenile detention facilities and centers from profiting financially from providing telephone service to confined offenders; (C) describe the duties of the board of correction; and (D) void bylaws adopted by the board of correction before October 1, 1980.)

**Effective:** Upon passage; July 1, 2001.

# CONFERENCE COMMITTEE REPORT

**MR. PRESIDENT:**

*Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 67 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
- 2 "SECTION 1. IC 9-30-5-3, AS AMENDED BY HEA 1618-2001, IS
- 3 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:
- 4 Sec. 3. A person who violates section 1 or 2 of this chapter commits a
- 5 Class D felony if:
- 6 (1) the person has a previous conviction ~~under section 1 or 2 of this~~
- 7 ~~chapter;~~ **of operating while intoxicated;** and
- 8 (2) the previous conviction ~~under section 1 or 2 of this chapter of~~
- 9 **operating while intoxicated** occurred within the five (5) years
- 10 immediately preceding the occurrence of the violation of section
- 11 1 or 2 of this chapter."
- 12 Delete pages 2 through 10.
- 13 Page 11, delete lines 1 through 24.
- 14 Page 12, delete lines 4 through 42.
- 15 Delete pages 13 through 14.
- 16 Page 15, delete lines 1 through 3.
- 17 Page 15, line 6, delete "passage of this act." and insert "**effective date**
- 18 **of this SECTION.**".
- 19 Page 15, line 8, delete "passage of this act," and insert "**effective date**
- 20 **of this SECTION,**".
- 21 Page 15, delete lines 11 through 20.
- 22 Renumber all SECTIONS consecutively.

(Reference is to ESB 67 as reprinted April 10, 2001.)

**Conference Committee Report**  
**on**  
**Engrossed Senate Bill 67**

**S**igned by:

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Senator Meeks R  
Chairperson

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Representative Dvorak

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Senator Alexa

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Representative Murphy

**Senate Conferees**

**House Conferees**